

# SIKKIM



## GOVERNMENT

## GAZETTE

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok**

**Saturday 22<sup>nd</sup> September, 2018**

**No. 499**

**LAND REVENUE & DISASTER MANAGEMENT DEPARTMENT  
MANAN BHAWAN  
GANGTOK- 737101**

**No: 15/Legal/LR&DMD/GOS/336**

**Date: 21/09/2018**

### NOTIFICATION

The State Government is pleased to hereby notify the Modalities for utilization of the Emergency Fund created by NHPC Limited, Teesta -V Power Station in compliance to the Order dated 1<sup>st</sup> July 2016 of Hon'ble High Court of Sikkim in Writ Petition (PIL) No. 25 of 2014 as follows:-

### MODALITIES

- 1.0 Objective:** In terms of the judgment of Hon'ble High Court of Sikkim in Writ Petition (PIL) No. 25 of 2014 in the matter Zangpo Sherpa vs. State of Sikkim & Ors and as per the decision held in the meeting between Authorities of State of Sikkim and Teesta V Power Station, NHPC Limited chaired by Chief Secretary on dated 16<sup>th</sup> October, 2017, a corpus fund of Rs. 50 Lakhs (Rs. Fifty lakhs) is being created by NHPC Limited to provide immediate relief to the family of the deceased persons, injured and other affected persons and for loss of property in case of occurrence of any mishap in the operation of dam by Teesta V Power Station.
- 2.0 Creation of Account:** A joint account with initial deposit of Rs. 50 lakhs (fifty lakhs only) to be made by NHPC Limited has been opened in the State Bank of India, Gangtok Branch to be operated jointly by the Relief Commissioner-cum-Secretary, Land Revenue and Disaster Management Department, Government of Sikkim and Head of office (HOP) Teesta Stage V, NHPC.
- 3.0 Scope:-** In terms of the judgment of Hon'ble High Court of Sikkim in the abovementioned matter the purpose of creation of corpus fund is to meet the cost of compensation for loss of human life, injured persons, loss of properties and any other affected persons due to the occurrence of any mishap in the operation of Dam. The Teesta V Power Station is spread over the area from Phidang bridge (reservoir area) where Dam pondage is extended in the upstream of Dam upto Rangpo in the downstream of the Dam. Teesta River receives water in this stretch of river as a result of spillage of water through dam operation in case of excess water in-flow as well as from power house through tail race tunnel after rotating turbines. Therefore, this corpus fund is to be operated only for payment of compensation for loss of life and property and injuries occurring in the area under the Teesta V Power Station.

- 4.0 Exclusions:** Corpus fund cannot be utilized for any mishap occurring beyond the demarcated area of Teesta V Power Station i.e. beyond Phidang bridge (reservoir area) in upstream of dam site and beyond Rangpo Town in the downstream of Power House.
- 5.0 Investigation:-** When any accident occurs within defined area of the Teesta-V PS, an investigation will be taken up by a Committee set up by the Relief Commissioner-cum-Secretary, Land Revenue and Disaster Management Department, Govt. of Sikkim. The Relief Commissioner-cum-Secretary, LR&DMD shall constitute a Committee consisting of four members, one from concerned District Collectorate, one from LR&DM Department, one from Energy & Power Department and one member from NHPC Teesta V Power Station nominated by HOP. The Committee may, if required, co-opt an Expert to assist the Committee and the charges for this purpose shall be paid from the Corpus Fund. The Committee shall submit its findings as soon as possible and not later than one month from the date of its constitution. Additional time may be granted, if required, by the Relief Commissioner-cum-Secretary, LR&DMD. The Committee shall submit its Report to the Relief Commissioner-cum-Secretary, LR&DMD with a copy to the Head of the Power Station of NHPC Teesta V Power Station.
- 6.0 Release of Payment from Corpus Fund:-** On the basis of the findings and recommendations of the Committee, the Relief Commissioner-cum-Secretary, Land Revenue and DM Department will release compensation to the family of the deceased persons, affected/injured persons and for loss of properties. For loss of life, injuries and loss of properties, the rate of compensation may be as determined by the Relief Commissioner-cum-Secretary, Land Revenue and DM Department in accordance with the prevailing rates as notified by the Government of India as per SDRF/NDRF norms.
- 7.0 Replenishment of Corpus Fund:-** As and when disbursements are made from the Corpus Fund, the NHPC Teesta V Power Station shall replenish the account within one month to ensure the maintenance of a constant balance of Rs 50.00 Lakhs (Rupees fifty lakhs only) excluding any interest accrued thereon in the account.
- 8.0 Interest on Corpus:** The initial Corpus fund amount of Rs. 50.00 lakhs with interest accrued thereon shall be maintained in the bank account till such time as the fund balance reaches Rs. 1.00 crore (Rupees one crore only) and thereafter any amount in excess thereof shall be passed on to the account of NHPC Teesta V Power Station automatically.
- 9.0 Closure Report:** After the compensation is paid from the Corpus Fund to the family of deceased persons, injured or affected persons, acknowledgement receipt will be taken by Relief Commissioner cum Secretary, Land Revenue and DM Department from the beneficiaries.

By Order.

**Tsegyal Tashi, IAS**  
**Relief Commissioner-cum-Secretary**  
**Land Revenue & Disaster Management Department.**  
**File No.336/LR&DMD/LEGAL/GOS.**